

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

YVONNE SWAIN,	:	CIVIL ACTION
Plaintiff,	:	
	:	No. 11-5531
v.	:	
	:	
CITY OF PHILADELPHIA, et. al.,	:	
Defendants.	:	

ORDER

AND NOW, this 20th day of February, 2015, upon consideration of the “[City] Defendants’ Motion for Summary Judgment” (doc. no. 67) and the response thereto, it is hereby **ORDERED** that:

- The City Defendants’ Motion for Summary Judgment is **GRANTED** in its entirety such that all claims against the City and Defendant McClay are **DISMISSED**; and
- Plaintiff shall **SHOW CAUSE** within thirty (30) days of this Order as to why the § 1983 and § 1985 claims against Defendant Booker should not be dismissed. In so doing, Plaintiff shall not make speculative or conclusory allegations, but rather must cite to the record and show how the facts contained therein would allow a reasonable jury to conclude that she suffered constitutional harm and has proven the other legal elements of her claims against Defendant Booker. Specifically, for purposes of the § 1983 claim, Plaintiff must address the question of whether Defendant Booker’s alleged actions can be considered state action. With respect to the § 1985 civil conspiracy claim, Plaintiff must identify the facts which support her allegation that Defendant Booker and Defendant McClay conspired

with one another. Failure to show cause within thirty (30) days will result in the dismissal of Plaintiff's claims against Defendant Booker.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.